

**Serial No.: 10/642,896**

**AMENDMENTS TO THE DRAWINGS**

Enclosed are replacement sheets for Figures 1-3. Figures 1-3 now include the legend  
“Prior Art” and are designated “Replacement Sheet”.

**REMARKS**

Claims 2-16, 18-30, 34-48, and 50-64 are pending in the instant application after this amendment cancels claims 1, 17, 31-33, and 49. Claims 2, 16, 18, 30, 34, 48, 50, and 64 are amended. No new matter is added. In view of the amendments and the following remarks, favorable reconsideration of this application is respectfully requested.

Applicants note with appreciation that the Office Action acknowledges that claims 2-16, 18-30, and 34-48 are directed to patentable subject matter. With the amendment of claims 2, 16, 18, 30, 34, 48, 50, and 64 into independent form, it is respectfully submitted that all of claims 2-16, 18-30, and 34-48 are in condition for allowance.

The Examiner has not acknowledged the claim of priority and receipt of the priority documents in the present application, and Applicants respectfully request such acknowledgement in the next communication from the Office.

The Office Action indicates that figures 1-3 should be designated by a legend such as prior art because only that which is old is illustrated. Applicants herein amend figures 1-3 as suggested by the Examiner.

Claims 50-64 (claim 49 having been canceled) are rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Specifically, the Examiner asserts that the functional descriptive material not claimed as residing on a computer readable medium is non-statutory. Applicants herein amend the claims as suggested by the Examiner to recite a "computer-readable recording medium having recorded thereon a computer program". Therefore, it is respectfully submitted that claims 50-64 are in condition for allowance.

Claims 1, 17, 33, and 49 are rejected under 35 U.S.C. § 102(b) as being anticipated by R1-02-0760, Simulation Results on HS-DPCCH power control, downloads from the Internet,

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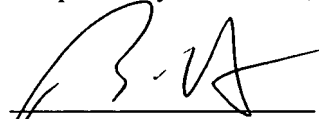
pages 1-12, May 2002 (hereinafter "Doc"). The cancellation of claims 1, 17, 33, and 49 obviates this rejection.

Claims 31 and 32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hamabe (U.S. Patent 6,950,671). The cancellation of claims 31 and 32 obviates this rejection.

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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